



**TSCA/8B Compliance Report for Facility: Moses Lake Industries**  
**Policy: Audit Policy**

**I. General Information**

**1. Primary NAICS code of this facility**

Carbon inorganic compounds manufacturing

**2. Date of last environmental compliance inspection by local, state or federal Agency:**

Year: 2021; Month: July; Day: 22

**3. Last environmental compliance inspection was performed by:**

WA State Dept. of Ecology (WDOE)

**4. Regulatory area covered by inspection:**

Air program compliance

**II. Specific Noncompliance Information**

Describe the violation(s).

**1. Nature and description of potential violation(s):**

Moses Lake Industries, Inc. (MLI or the Company) is currently conducting a voluntary compliance audit under the U.S. Environmental Protection Agency’s (EPA’s) Policy on Incentives for Self-Policing (Audit Policy). This ongoing audit is evaluating the Company’s compliance with TSCA at MLI’s Moses Lake, WA facility. As part of this audit, MLI discovered on October 19, 2021 that it had inadvertently reported incorrect processing and use information on its 2020 TSCA Chemical Data Reporting (CDR) Rule Form U for the following substance: Carbonic acid, dimethyl ester (DMC) [CAS RN 616-38-6]. This CDR Form U was originally submitted to EPA on January 29, 2021. Consequently, MLI disclosed on November 2, 2021 a potential violation of TSCA Section 8(b).

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2. Citation for the potential federal violation:

15 USC §2607 - TSCA Section 8(b) (40 CFR 711)

3. Regulatory citation for the state provisions where federally enforceable:

Not applicable.

4. Permit provisions where applicable:

Not applicable.

5. Physical location of the violation at the facility:

MLI reported its activity under the 2020 TSCA CDR for its Moses Lake, WA site. This site is both a manufacturing and importing site for purposes of CDR.

6. Date noncompliance began:

01/29/2021

7. Date of return to compliance:

12/16/2021

8. Identity of Chemical/Pollutant Information, for each chemical/ pollutant you are disclosing for, specify the a.) chemical/pollutant name or trade name, CAS (Chemical Abstract Society) number, and b.) how much of that chemical/pollutant was involved, in pounds.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

Carbonic acid, dimethyl ester

a.2) CAS Number

616-38-6

b) Amount involved

CBI

9. Provide the date and description of how the violation was corrected and how any harm was remediated. If correction of the violation depends upon issuance of a permit that has been applied for but not issued by Federal, State, Local or Tribal authorities an entity may submit its compliance report without an issued permit (provided the maximum extension requests have been exhausted). Please describe the steps taken by the entity to ensure it submitted a timely complete permit application.

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Attach documents supporting your actions. For example, include written confirmation from authorities that submittals (e.g., Notice of Intent (NOI), reports, etc.) were received.

On December 16, 2021, MLI corrected its 2020 TSCA CDR Form U. This correction was made within the 60-day time frame required under the Audit policy. Specifically, the Company amended and then re-submitted through CDX its Form U correcting the processing and use information for the substance. The company is not aware of any harm caused by this potential violation nor would any harm be expected to occur because the information is not expected to have any effect on health or safety.

10. Describe what steps were taken to prevent recurrence of the violation and provide the date that those measures were implemented. If the measures have not yet been implemented, provide the implementation schedule setting forth the dates of the anticipated actions.

As indicated in the initial disclosure and in Section II.1 above, MLI is currently conducting a voluntary compliance audit under EPA’s Audit Policy. This audit is designed to review, assess, and improve the systems and procedures at the Company’s facility to ensure compliance with TSCA. This audit demonstrates that MLI has and will, going forward, take steps to prevent recurrence of this potential TSCA violation. Within the past few months, the Company has set up an internal TSCA system consisting of practices and procedures to ensure compliance with all areas of TSCA. To prevent recurrence, MLI has obtained support and guidance documents from its outside TSCA consultant and attorney about the requirements of TSCA. In addition, specific responsibility for TSCA compliance has been assigned to two (2) individuals within the Company. The requirements of TSCA, including TSCA’s CDR obligations, have also been communicated to other relevant individuals within the Company. MLI has also added additional detail on these specific compliance item details in its ISO 14000/45001 integrated compliance management systems to prevent recurrence.

Document Name(s)

CDR\_Submission\_PDF\_25451-December 16 2021.pdf

III. Audit Policy Conditions

Condition 1: Systematic Discovery of the Violation through an Environmental Audit or a Compliance Management System \*

The violation was discovered as part of an Environmental Audit. (Check each box that applies; all

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boxes must be checked to qualify as an audit.) \*

- ☒ The audit was systematic;
- ☒ The audit was documented;
- ☒ The audit was periodic and future audits are scheduled; and
- ☒ The audit was part of an objective review.

Or, the violation was discovered as a result of a Compliance Management System (CMS.) (Check each box that applies; all boxes must be checked to qualify as a CMS.) \*

- ☐ Compliance policies, standards and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, enforceable agreements and other sources of authority for environmental requirements;
- ☐ Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures, and assignment of specific responsibility for assuring compliance at each facility or operation;
- ☐ Mechanisms for systematically assuring that compliance policies, standards and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the CMS, and a means for employees or agents to report violations of environmental requirements without fear of retaliation;
- ☐ Efforts to communicate effectively the regulated entity's standards and procedures to all employees and other agents;
- ☐ Appropriate incentives to managers and employees to perform in accordance with the compliance policies, standards and procedures, including consistent enforcement through appropriate disciplinary mechanisms; and
- ☐ Procedures for the prompt and appropriate correction of any violations, and any necessary modifications to the regulated entity's compliance management system to prevent future violations.
- ☐ Check this box if the violation was discovered in a manner other than through an Environmental Audit or a CMS, and describe the procedure used to discover the violation by using the comment boxes in Section II. Specific Noncompliance Information.

Condition 2: Voluntary Discovery \*

The violation was voluntarily discovered. (1st 3 boxes or box 4 must be checked to qualify.) \*

- ☒ The violation was not found through a legally required monitoring procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.
- ☒ The violation was not found through a legally required sampling procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.
- ☒ The violation was not found through a legally required auditing procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.

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☐ The violation was discovered pursuant to audits that were conducted as part of a comprehensive environmental management system (EMS) required under a settlement agreement.

☐ This facility does not meet Condition 2.

### Condition 3: Prompt Disclosure \*

☒ The violation was promptly disclosed within 21 days of discovery.

☐ This facility does not meet Condition 3.

### Condition 4: Discovery and Disclosure Independent of Government or Third Party Plaintiff \*

The violation was discovered and disclosed independent of Government or Third Party Plaintiff. (1st 5 boxes must be checked to qualify.) \*

☒ The discovery and disclosure were made prior to the commencement of a Federal, State or local agency inspection or investigation, or issuance by such agency of an information request. There was no contact (e.g., letter, email, telephone inquiry, etc.) by any government or third party informing the facility of potential or actual violations, or any notification of an impending or commenced inspection prior to the disclosure.

☒ The disclosure was made prior to the notice of a citizen suit.

☒ The disclosure was made prior to the filing of a complaint by a third-party.

☒ The disclosure was made prior to the reporting of the violations to EPA by a "whistleblower" employee, rather than by one authorized to speak on behalf of the regulated entity.

☒ The disclosure was made prior to the imminent discovery of the violations by a regulatory agency.

☐ This facility does not meet Condition 4.

### Condition 5: Correction and Remediation (One of the first three boxes must be checked to qualify. NODs are only available if the first box is selected) \*

☒ The violation(s) were corrected within 60 days of discovery.

☐ The violation(s) were corrected within 90 days of discovery, and a request for extension was made before the expiration of the 60 days, and granted in eDisclosure.

☐ The violation(s) were corrected within 180 days of discovery, and a request for extension was made before the expiration of the 60 days, and justified in eDisclosure.

☐ The violation(s) has not been corrected but a timely and complete permit application has been filed with the relevant regulatory Agency, and permit issuance is pending.\*

☐ This facility does not meet Condition 5.

### Condition 6: Prevent Recurrence \*

☒ Steps have been or will be taken to prevent a recurrence of the violation disclosed.

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☐ This facility does not meet Condition 6.

Condition 7: No Repeat Violations \*

The violation disclosed was not a repeat violations (1st 2 boxes must be checked to qualify) \*

- ☒ The same or closely-related violation has not occurred previously at the same facility within the past 3 years.
- ☒ The same or closely-related violation has not occurred within the past 5 years as part of a pattern at multiple facilities owned or operated by the same entity.
- ☐ This facility does not meet Condition 7.

Condition 8: Other Violations Excluded \*

The violation disclosed was not an excluded violation. (1st 2 boxes must be checked to qualify.) \*

- ☒ The violation disclosed did not result in serious actual harm, which may have presented an imminent and substantial endangerment to public health or the environment.
- ☒ The violation disclosed did not violate the specific terms of any order, consent agreement, or plea bargain.
- ☐ This facility does not meet Condition 8.

Condition 9: Cooperation \*

- ☒ The entity has and will continue to cooperate with EPA in determining applicability of this policy.
- ☐ This facility does not meet Condition 9.

IV. Certification

Name of individual submitting this self-disclosure:

John Massingale

Date:

01/1/2022

☒ By checking this box, I, the person whose name is displayed above, am authorized to make this certification and certify under penalty of the law that this document was prepared under my direction and to the best of my knowledge and belief, the information submitted is true, accurate and complete. Furthermore, I understand that eligibility for, and any reduction of penalties under, the EPA Audit Policy is conditioned on the truth, accuracy and completeness of this disclosure.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

1/1/2022

Via Electronic Mail

MOSES LAKE INDUSTRIES, INC.  
8248 RANDOLPH RD NE  
MOSES LAKE, WA 98837

In Re: Acknowledgment Letter for Disclosure-3: TSCA 2020 CDR

Dear John Massingale:

Thank you for your self-disclosure pursuant to the Policy on Incentives for Self-Policing (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000). The U.S. Environmental Protection Agency (EPA) hereby issues this Acknowledgment Letter regarding violations that you disclosed to EPA for the following facility:

Moses Lake Industries  
8248 Randolph Rd Ne  
Moses Lake, WA 98837, US

As an incentive for regulated entities to disclose violations that they discover, EPA may eliminate the gravity-based component of civil penalties, and waive any insignificant economic benefit component, where the voluntarily disclosed violations meet the conditions specified in the Audit Policy. EPA's streamlined implementation of this self-disclosure policy provides for self-disclosed violations to be submitted and processed through its "eDisclosure" online system.

Based on the information that you certified and attested to on 1/1/2022 on behalf of MOSES LAKE INDUSTRIES, INC. in EPA's online eDisclosure system, EPA hereby acknowledges receipt of your disclosure for the following violation(s):



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- Toxic Substances Control Act (TSCA): Failure To Comply With Inventory Update Rule/Chemical Data Reporting Requirements (8B)
  - Citation for the potential federal violation:

15 USC §2607 - TSCA Section 8(b) (40 CFR 711)
  - Permit provisions where applicable:

Not applicable.
  - Chemical: Carbonic acid, dimethyl ester (616-38-6)

This letter does not resolve the above violations. If EPA considers taking an enforcement response regarding this matter, it will determine at that time whether you are eligible for penalty mitigation. In the event that EPA determines that your eDisclosure does not meet the conditions of the Audit Policy, the Agency may assess penalties in accordance with applicable statutes, regulations, and EPA's enforcement response or penalty policies. In the event of an enforcement action, EPA will take into account all relevant facts and circumstances surrounding any violations, including the voluntary nature of your disclosure submitted through this system.

Again, thank you for your disclosure. We appreciate the efforts of the regulated community to discover, promptly disclose, expeditiously correct, and prevent the recurrence of future violations.

/s/  
Director, Office of Civil Enforcement